

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CIVIL ACTION NO. 2:19-cv- 88-KS-MTP

RUGER, MODEL M77, 270 CALIBER
RIFLE, SN: 7962454; H&R 1871, MODEL
PARDNER PUMP, 12-GAUGE SHOTGUN,
SN: NZ627824; NORINCO, MODEL SKS,
7.62X39MM RIFLE, SN: 21044027; SMITH
AND WESSON, MODEL M&P 15-22,
22-CALIBER RIFLE, SN: HCN2270; H&R,
MODEL 999 SPORTSMAN, 22-CALIBER
REVOLVER, SN: AP152939; AND ELITE
ARMS, MODEL JD-15, 5.56-CALIBER
RIFLE, SN: EA 3963

DEFENDANT PROPERTY.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff United States of America, by and through the United States Attorney and the undersigned Assistant United States Attorney for the Southern District of Mississippi, brings this complaint for forfeiture *in rem* and, in accordance with Supplemental Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, alleges as follows.

NATURE OF THE ACTION

1. This is a civil action *in rem* to forfeit to the United States six firearms (the “**Subject Firearms**”), all of which were involved in violations of federal laws:

- a. **Ruger, Model M77, 270-caliber rifle, SN: 7962454;**
- b. **H&R 1871, Model Pardner Pump, 12-gauge shotgun, SN: NZ627824;**
- c. **Norinco, Model SKS, 7.62x39mm rifle, SN: 21044027;**
- d. **Smith and Wesson, Model M&P 15-22, 22-caliber rifle, SN: HCN2270;**
- e. **H&R, Model 999 Sportsman, 22-caliber revolver, SN: AP152939; and**
- f. **Elite Arms, Model JD-15, 5.56-caliber rifle, SN: EA 3963.**

2. The **Subject Firearms** are subject to forfeiture under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) because the **Subject Firearms** were used to facilitate violations of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

JURISDICTION AND VENUE

3. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 28 U.S.C. § 1331 and 18 U.S.C. § 924.

4. This District is a proper venue, under 28 U.S.C. § 1355(b)(1)(A), because the acts giving rise to this *in rem* forfeiture action occurred in Seminary, Mississippi, a city in this District, and under 28 U.S.C. § 1395(b) because the **Subject Firearms** were found and seized in Seminary, Mississippi, a city in this District.

THE DEFENDANTS IN REM

5. The **Subject Firearms** consist of the following:

- a. **Ruger, Model M77, 270-caliber rifle, SN: 7962454;**
- b. **H&R 1871, Model Pardner Pump, 12-gauge shotgun, SN: NZ627824;**
- c. **Norinco, Model SKS, 7.62x39mm rifle, SN: 21044027;**
- d. **Smith and Wesson, Model M&P 15-22, 22-caliber rifle, SN: HCN2270;**
- e. **H&R, Model 999 Sportsman, 22-caliber revolver, SN: AP152939; and**
- f. **Elite Arms, Model JD-15, 5.56-caliber rifle, SN: EA 3963.**

Special Agents with the Federal Bureau of Investigation (FBI) initially seized firearms **a, b, and c** on October 31, 2017, while executing a federal search warrant. Sheriff deputies from the Covington County, Mississippi Sheriff's Office seized firearms **d, e, and f** on April 15, 2018, during a search of a tan Chevrolet Silverado 2500, to which the driver consented, in Seminary, Mississippi, within the Southern District of Mississippi, Eastern Division. FBI agents thereafter took possession of firearms **d, e, and f** on April 16, 2018. The **Subject Firearms** are located in an FBI evidence vault in Jackson, Mississippi.

BASIS FOR FORFEITURE

6. The **Subject Firearms** are subject to forfeiture under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461 because the **Subject Firearms** were used to facilitate violations of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

7. Additionally, 18 U.S.C. § 924(d)(1) provides that all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined by 26 U.S.C. § 5845(a), shall, so far as applicable, extend to seizures and forfeitures under 18 U.S.C. § 924.

FACTS AND CIRCUMSTANCES

8. A detailed account of the facts and circumstances supporting the seizure and forfeiture of the **Subject Firearms** is set out in FBI Special Agent Grady K. Fisher's declaration, which is attached hereto as Exhibit "A" and incorporated herein by reference.

9. The **Subject Firearms** were in the possession of Louie Bernard Revette and involved in his violation 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

FIRST CLAIM FOR RELIEF **(18 U.S.C. § 924 and 28 U.S.C. § 2461)**

10. Paragraphs 1 through 9 above are incorporated by reference as if fully set forth herein.

11. The **Subject Firearms** are subject to seizure and forfeiture to the United States under 18 U.S.C. § 924(d)(1), which authorizes the forfeiture of "[a]ny firearm or ammunition involved in or used in . . . any violation of any other criminal law of the United States." 18 U.S.C. § 924(d)(1); *see also* 21 U.S.C. § 2461 (providing broader forfeiture authorization).

PRAYER FOR RELIEF

Plaintiff United States requests that:

- (a) the Court find that the United States has demonstrated it has a reasonable belief that the **Subject Firearms** are forfeitable to the United States under 18 U.S.C. § 924 and 28 U.S.C. § 2461;
- (b) under Supplemental Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Court issue a warrant of arrest *in rem* for the arrest and seizure of the **Subject Firearms** based on this verified complaint, which the United States will execute to bring the **Subject Firearms** within the jurisdiction of the Court for purposes of this statutory forfeiture action;
- (c) process issue to enforce the forfeiture of the **Subject Firearms**;
- (d) notice of this action be given to all under Supplemental Rule G(3)(b), which the United States will execute upon the **Subject Firearms** located in the custody of the FBI under 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c);
- (e) notice of this action be given to all persons and entities known or thought to have an interest in or right against the **Subject Firearms** to appear and show why the forfeiture should not be decreed;
- (f) the Court decree that forfeiture of the **Subject Firearms** to the United States is confirmed, enforced, and ordered;
- (g) the Court award the United States its costs and disbursements in this action; and
- (h) the Court order such other relief that it deems just and proper.

Dated: Wednesday, June 5, 2019

Respectfully submitted,

D. MICHAEL HURST, JR.
UNITED STATES ATTORNEY


By: /s/ J. Wesley Webb
J. WESLEY WEBB (MSB #104495)
ASSISTANT UNITED STATES ATTORNEY
OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF MISSISSIPPI
501 East Court Street, Suite 4.430
Telephone: 601.965.4480
Facsimile: 601.965.4032
E-mail: James.Webb2@usdoj.gov

VERIFICATION

I, Grady K. Fisher, hereby verify and declare under penalty of perjury that I am a Special Agent with the Federal Bureau of Investigation (FBI), that I have read the foregoing Verified Complaint for Forfeiture *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint for Forfeiture *in rem* are true to my own knowledge, except that those matters herein stated to be alleged on information and belief, and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States of America, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as an FBI Special Agent.

Dated this the 30th day of May, 2019.



Grady K. Fisher
Special Agent
Federal Bureau of Investigations

JS 44 (Rev. 12/07)

CIVIL COVER SHEET Civil No.: 2:19-cv-88-KS-MTP

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Marc A. Perez, U.S. Attorney's Office
501 East Court Street, Suite 4.430, Jackson, MS 39201 (601) 965-4480

DEFENDANTS

Ruger, Model M77, 270 Caliber Rifle, SN: 7962454, et al.

County of Residence of First Listed Defendant Covington County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)☒ 1 U.S. Government Plaintiff☐ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. 924(d)(1) and 28 U.S.C. 2461(c)

Brief description of cause:

Civil forfeiture of 6 firearms seized from Louie Bernard Revette

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

6/5/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

Starrett

MAG. JUDGE

Parker